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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,249	03/19/2001	Kenji Okamoto		7806

7590 03/30/2004  
JORDAN AND HAMBURG LLP  
122 East 42nd Street  
New York, NY 10168

EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

8

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,249

Applicant(s)

OKAMOTO ET AL.

Examiner

Minh Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 9 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The abstract of the disclosure should be revised to reflect the claimed apparatus instead of a mounting section of the apparatus. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. Figure 6 of the drawings should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 6, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (APA) [Fig. 7, specification pages 1-3] in view of Asai et al (US 5,060,366).

As applied to claims 1 and 6, APA (as shown in Fig. 7 and incorporated the specification page 1-3 under "related art" teaches the component mounting apparatus having a rotary table driven to rotate intermittently 8; a plurality of mounting heads 10's disposed on a peripheral surface of the rotary table 8 (see Fig. 1); a plurality of motors 11 respectively provided in each of the plurality mounting heads 10 (see Fig. 7) and a controller placed in a stationary part of the apparatus for inputting drive power and control signals to the box shaped driver 51 (see Fig. 7, page 2, lines 5-10). APA teaches substantially every aspect limitations recited in claims 1 and 6 with the exception of an annular shaped driver having an axis of rotation coaxial with the rotary table. Asai et al teach the annular shaped driver as described above such as an annular driver 12 being configured to operate a number of mounting heads 22-24 (see Fig. 1). Therefore, it would have been obvious to one ordinary having skill in the art at the time the invention was made to employ the Asai's teaching of an annular shaped driver as described above onto the invention of APA in order to form a design structure including size, shape and configuration requirement. The motivation for this combination is discussed at col. 2, lines 28-38 of Asai et al).

Furthermore, regarding the annular shaped driver. It would have been an obvious matter of design choice to choose any desired driver including size, shape and configurations since applicant has not disclosed that the annular shaped driver is a

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critical feature, and is patentably distinguishing feature and it appears that the invention would perform equally well with the box shaped driver as shown by the prior art reference (see reference 51, fig. 1 of APA).

As applied to claim 7 APA discloses at least a motor driver mounting plate 9a (or support plate 9a, see Fig. 7).

As applied to claim 9, Noting APA teaches a motor mounting plate 9a is being extended in the radial direction of rotation of driver 51 (see Fig. 7).

As applied to claim 11, APA teaches the display unit 7 and the operation functional associated thereof (see Fig. 6 and the discussed in page 1, lines 18-19). Note that the prior art structure meets every structure limitations as recited in claim 11, therefore it is capable of performing the detecting and controlling as recited in claim 11.

#### ***Allowable Subject Matter***

5. Claims 2-5, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: that the prior art by taken alone or in combination with other prior art references do not teach the claimed subject matter as recited in these claims for an example: none of the prior art teaches the annular driver includes a plurality of motor driver mounting plates 30 for attaching the motor drivers 24's, arranged in parallel to the axis of rotation of the annular driver 15 and spaced apart from each other (as recited in claims 2 and 5), and limitations of claims 3-

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4 and similar to that as cited in claims 8 and 10 are not taught or suggested by the prior art references. (Noted that the critical features of the present application as shown in their drawings Fig. 3-5, and references 30 having notch 33 being engaged with pins 37, etc.,).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references are cited for their teaching of mounting apparatus.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh Trinh

Patent Examiner Group 3729

mt